IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.:	10/659,934	Confirmation No.: 5056
Appellant(s):	Wu et al.	
Filed:	September 11, 2003	
Art Unit:	2152	
Examiner:	Dailey, Thomas J.	
Title:	SYSTEM AND METHOD FOR PROXY-BASED REDIRECTION OF RESOURCE REQUESTS	

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REPLY BRIEF UNDER 37 CFR § 41.41

This Reply Brief is filed pursuant to 37 CFR § 41.41 and is filed in response to the Examiner's Answer of November 14, 2008, the Examiner's Answer being in response to an Appeal Brief filed August 9, 2008. This Brief addresses a number of points arising from the Appeal Brief, as well as the Examiner's Answer to the same.

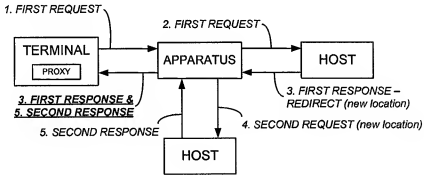
10. ***Response to Argument.***

The Examiner's Answer responded to Appellants' arguments under subsections A and B of section 7 of the Appeal Brief. Accordingly, Appellant addresses the Examiner's position under those same subsections below. Again, pending Claims 15-19, 21, 25-29 and 31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by PCT Patent Application Publication No. WO 01/33804 to Leppinen; and the remaining claims, namely Claims 1-5, 7-12, 14, 22, 24, 32 and 34-38, stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Leppinen, in view of Official Notice of facts outside the record.

A. Claims 15-19, 21, 25-29 and 31 are Patentable

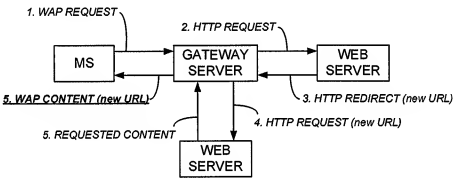
As explained in Appellants' Appeal Brief, in contrast to independent Claim 15, Leppinen fails to teach or suggest at least sending first and second responses to the terminal proxy, the first response including a redirection to a resource at a second location. To further illustrate the aforementioned distinction, Appellants refer to the two exemplary diagrams below illustrating the apparatus of independent Claim 15 and Leppinen.

Independent Claim 15 recites an apparatus including a processor configured to communicate with a host over a second network independent of a first network (wireless radio link), and configured to receive a first response (3.) from the host. As recited, the first response includes a redirection to a resource at a second location and is responsive to a first request (1. and 2.) sent from a terminal (including a terminal proxy) to the host over the first network and the second network, the first request identifying the resource at a first location on the host. The processor is configured to reformulate the first request into a second request that identifies the resource at the second location, and thereafter send the second request (4.) to a host of the resource at the second location such that the respective host responds to the second request with a second response (5.). The processor, then, is configured to send the first response (3.) and the second response (5.) to the terminal proxy.



Apparatus of independent Claim 15

As illustrated below, Leppinen discloses a system and method for effective use of air link between mobile stations and gateway servers. As disclosed, a mobile station (MS) transmits to a gateway server a request (1.) for a resource located on a web server using a first protocol (WAP). The gateway server then transmits the request (2.) to the web server using a second protocol (HTTP) compatible with the web server. The gateway server receives a redirection message (3.) from the web server indicating a new location of the resource, and in response to the redirection message, the gateway server creates and transmits another request (4.) for the resource at the new location. After receiving the requested resource (5.) from the web server, the gateway server transmits the requested resource (5.) to the mobile station using the first protocol (WAP).



Leppinen

Clearly, as shown above, Leppinen does not teach or suggest at least sending first and second responses (3. and 5.) to a terminal proxy, the first response (3.) including a redirection to a resource at a second location, as recited by independent Claim 15. As previously explained, Leppinen may disclose that its gateway server receives a response (3.) from the web server including a redirection and the new URL; but nowhere does Leppinen teach or suggest that this redirection response (3.) is sent to any proxy of the mobile station, similar to the first response (3.) of independent Claim 15. That is, even if one could argue that Leppinen's gateway server receives an HTTP redirection message (3.) corresponding to the recited first response (3.) including a redirection, Leppinen fails to further disclose that the HTTP redirection message

(first response) is sent to the mobile station. And even if one could argue that the HTTP redirection message (first response) includes a new URL, which the gateway server does send to the mobile station, independent Claim 15 recites that the first response itself (recited as including the redirection) and not just any indication of a new location that may be included therein, is sent to the terminal's proxy.

In the Examiner's Answer, the Examiner asserts as follows:

> *... [I]t is the examiner's contention that the mobile station in Leppinen (reading on the terminal in claim) includes a "terminal proxy", [sic] as the mobile station receives both "the first response" (the HTTP redirection message including new URL in Leppinen) and the second response (reading on the requested resource/content in Leppinen) (column 7, lines 10-16). ... Leppinen's mobile station clearly processes the HTTP redirection message and the requested resource (column 7, lines 14-16, being one such example).*

Examiner's Answer of Nov. 14, 2008, pages 15-16. Appellants respectfully disagree, and submit that any assertion that Leppinen discloses that its mobile station receives and processes the HTTP redirection message is explicitly contrary to Leppinen in which its gateway server and not its mobile station receives and processes redirection messages. In this regard, as disclosed in the Summary Section of Leppinen, "According to an aspect of the invention, tasks associated with redirection messages from a web server are handled by a gateway server .... The processing of redirection messages by the gateway server is transparent to the mobile station so that the mobile station receives the requested content or resource without sending another request to a web server ...." Leppinen, page 3. Thus, contrary to the assertions of the Examiner, Leppinen does not teach or suggest the aforementioned feature of independent Claim 15.

In view of the foregoing as well as the remarks presented in Appellants' Appeal Brief, Appellants respectfully submit that independent Claim 15, and by dependency Claims 16-19 and 21, is patentably distinct from Leppinen. Appellants also respectfully submit that independent Claim 25 recites subject matter similar to that of independent Claim 15, including at least the feature of sending first and second responses to a terminal proxy, the first response including a redirection. Thus, Appellants also respectfully submit that independent Claim 25, and by dependency Claims 26-29 and 31, is patentably distinct from Leppinen for reasons similar to those provided above with respect to independent Claim 1.

In addition to the foregoing Appellants respectfully submit that various ones of dependent Claims 16-19, 21, 26-29 and 31 recite features further patentably distinct from Leppinen. Examples of these claims are provided below.

1. Dependent Claims 17, 19, 27 and 29

Dependent Claims 17, 19, 27 and 29 recite that the first response includes an HTTP 3xx "Redirection" status code, or determining if the first response includes a 3xx "Redirection" status code. As explained above with respect to independent Claim 15, Leppinen does not teach or suggest sending a first response including a redirection to a terminal (or rather its terminal proxy). By extension, then, Leppinen also does not teach or suggest sending a first response including a 3xx "Redirection" status code to the terminal. Again, even to the extent Leppinen discloses that its gateway server receives a response (3.) from the web server including a redirection and the new URL, Leppinen still does not teach or suggest that this response (3.) is sent to any proxy of the mobile station, even if that response does include a 3xx "Redirection" status code.

2. Dependent Claims 21 and 31

Dependent Claims 21 and 31 recite that either or both of the first or second responses are compressed before being sent to the terminal (or rather its proxy). In the Examiner's Answer, the Examiner asserts that Leppinen discloses coding its requested content (5.) according to the Wireless Application Protocol (WAP), and that this coding corresponds to the recited compression of the recited second response. Notably, the Examiner has not provided Appellants with any claim construction, finding or other explanation regarding Applicants' claims, Leppinen, or the application of Leppinen to Applicants' claims, and up to the Examiner's Answer only cited column and line numbers from Leppinen for allegedly disclosing the features of Claims 21 and 31. And as has been recognized by the Board of Patent Appeals and Interferences (BPAI), "The Examiner must make specific findings as to claim construction." *Ex parte* Blankenstein et al., Appeal No. 2007-2872, Application No. 10/116,312 (BPAI Aug. 26, 2008); and *see* Gechter v. Davidson, 116 F.3d 1454 (Fed. Cir. 1997) (emphasis added).

Notwithstanding the foregoing, Appellants respectfully disagree with the position taken by the Examiner, and submit that under no reasonable interpretation of dependent Claims 21 and 31 may reformatting content from HTTP to WAP correspond to compressing content; and the Examiner has not provided any explanation to support this conclusion.

B. Claims 1-5, 7-12, 14, 22, 24, 32 and 34-48 are Patentable

As explained in Appellants' Appeal Brief, in contrast to independent Claim 8, and as conceded by the Examiner, Leppinen does not teach or suggest the recited method including a terminal proxy receiving both first and second responses and providing the first response to the terminal client; the terminal client then, in response to the first response, formulating a third request (e.g., new, redirected request) that the terminal proxy receives and responds to with the second response, the communication between the terminal client and terminal proxy occurring independent of the first network. Nonetheless, the Examiner takes Official Notice that this feature is well known to those skilled in the art given the explicit disclosure of Leppinen. Appellants have and continue to respectfully disagree, and traverse the Official Notice taken by the Official Action.

But as explained in Appellants' Appeal Brief, the Examiner did not, in fact, take Official Notice of facts capable of instant and unquestionable demonstration as being well known so as to defy dispute; and nowhere has the Examiner provided any documentary evidence to support the taking of Official Notice. That is, the Examiner has not supported any Official Notice that it would have been well known and obvious for a proxy to receive the resource and new URL, send the new URL to the mobile station such that, in response to the new URL, the mobile station formulates a third request to the proxy such that the proxy then sends the resource to the mobile station. Rather, at best, one could argue that any subsequent resource request using the new URL of Leppinen is serviced by the web server of the new URL or the gateway server, neither of which may reasonably correspond to the recited terminal proxy since both are across the alleged first network from the mobile station.

In response to the foregoing, the Examiner in the Examiner's Answer continues to maintain that although a subsequent resource request may use the new URL of Leppinen, that

request need not be serviced by the web server or gateway server, but may instead be serviced from a cache. Examiner's Answer of Nov. 14, 2008, page 19. Again, even if one could argue that it would have been obvious to modify Leppinen in this manner, the modified Leppinen still would not teach or suggest formulating the subsequent request (third request) in response to its being sent the new URL or even just in response to the new URL in general.

The Examiner alleges that to the extent that the any subsequent request (reformulated request) in Leppinen uses the new URL, that request "would be responsive to the first response [new URL] in that such a request would not occur if the resource was not present in the cache and the new URL (part of the first response) was not in the updated file history." Examiner's Answer of Nov. 14, 2008, page 19. Appellants respectfully submit, however, that this interpretation of independent Claim 1 is beyond the broadest reasonable interpretation of the claim. *See* MPEP § 2111 (explaining that the broadest reasonable interpretation of the claims must be consistent with the specification, and are presumed to have the ordinary and customary meanings attributed to them by those of ordinary skill in the art).

The Examiner interprets the mere fact that the first response (alleged new URL) enables a subsequent request (alleged third request) establishes that the subsequent request is responsive to the first response. In this sense, the same logic would hold that the mere fact that powering on the mobile station enables its interaction with the gateway server establishes that the interaction of the mobile station with the gateway server is responsive to the powering on of the mobile station. An action being responsive to an object or event, however, requires more than that object or event enabling the action; it requires that arousal of that action by the object or event as its stimulus. And even if one could argue (albeit incorrectly) that the new URL of Leppinen enables its subsequent request, under no reasonable interpretation does Leppinen or any alleged Official Notice teach or suggest that the new URL is a stimulus that arouses Leppinen's mobile station to generate its subsequent request, similar to independent Claim 1 reciting reformulating a first request into a third request in response to a first response.

Moreover, Appellants note that, as alleged by the Examiner, the cache of the mobile station serving a subsequent request corresponds to the recited terminal proxy. Examiner's Answer of Nov. 14, 2008, page 19. Independent Claim 1, however, recites that the terminal

proxy receives both a first response (alleged new URL) and second response (alleged requested and received resource), and that before sending the second response to the client application, the terminal proxy sends the first response to the client application. For a cache to correspond to the recited terminal proxy under the Examiner's interpretation of Leppinen, that cache would have to receive the new URL (alleged first response) – in addition to the requested resource (alleged second response – and send that new URL to a client application. But nowhere does Leppinen support this interpretation; and in fact, nowhere does the Examiner even allege any interpretation of Leppinen whereby a cache receives and sends the new URL to any client application of Leppinen's mobile station.

For at least the foregoing reasons as well as those presented in Appellants' Appeal Brief, Appellants respectfully submit that independent Claim 8, and by dependency Claims 9-12, 14 and 36, is patentably distinct from Leppinen, and that the Official Action did not support any proper Official Notice to cure the deficiencies of Leppinen. Appellants also respectfully submit that independent Claims 1, 22 and 32 recite subject matter similar to that of independent Claim 8, including the aforementioned request/response exchange between the terminal and terminal proxy. Thus, Appellants also respectfully submit that independent Claims 1, 22 and 32, and by dependency Claims 2-5, 7, 24, 34, 35, 37 and 38, are patentably distinct from Leppinen and any proper Official Notice, for reasons similar to those provided above with respect to independent Claim 8.

In addition to the foregoing Appellants respectfully submit that various ones of dependent Claims 2-5, 7, 9-12, 14, 24 and 34-38 recite features further patentably distinct from Leppinen and any proper Official Notice. Examples of these claims are provided below.

1. Dependent Claims 35-38

Dependent Claims 35-38 recite that the first response includes a redirection to the host of the resource at the second location, which as explained above with respect to independent Claim 15 is absent from Leppinen. The Examiner's Answer did not address Appellants' remarks with respect to Claims 35-38. Nonetheless, Appellants reiterate that to the extent the Examiner alleges that the first response corresponds to the disclosed new URL, under no reasonable

interpretation of dependent Claims 35-38 may a new URL alone correspond to a redirection. *See* MPEP § 2111. And nowhere does Leppinen teach or suggest that that this redirection response is sent to any proxy of the mobile station, similar to the redirection of dependent Claims 35-38.

2. Dependent Claims 3, 5, 10 and 12

Dependent Claims 3, 5, 10 and 12 recite that the first response includes an HTTP 3xx "Redirection" status code, or determining if the first response includes a 3xx "Redirection" status code. Although the Examiner's Answer did not address Appellants' remarks with respect to Claims 3, 5, 10 and 12, Appellants reiterate that as Leppinen does not teach or suggest sending a first response including a redirection to a terminal (or rather its terminal proxy), Leppinen also does not teach or suggest sending a first response including a 3xx "Redirection" status code to the terminal.

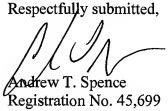
3. Dependent Claims 7, 14, 24 and 34

Dependent Claims 7, 14, 24 and 34 recite that either or both of the first or second responses are compressed, which is also absent from Leppinen. Just as with the other claims depending from independent Claim 1, the Examiner's Answer did not address Appellants' remarks with respect to Claims 7, 14, 24 and 34. But to the extent the Examiner alleges that coding requested content according to WAP corresponds to compressing a second response, Appellants respectfully submit that nowhere has the Examiner provided any claim construction, finding or other explanation regarding Applicants' claims, Leppinen, or the application of Leppinen to Applicants' claims to support this assertion. And nonetheless, Appellants respectfully disagree with the position taken by the Examiner, and submit that under no reasonable interpretation of dependent Claims 7, 14, 24 and 34 may reformatting content from HTTP to WAP correspond to compressing content.

CONCLUSION

For at least the foregoing reasons as well as those in Appellants' Appeal Brief, Appellants respectfully request that the rejections be reversed.

Respectfully submitted,



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